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people. They act for the people in exercising their lawmaking authority (Art 62 of the constitution). So the Legislative Yuan directly represents the people's will.

In the new constitution the Legislative Yuan, National Assembly, and Control Yuan are all organs of the people's will, but the Control Yuan members are elected by local assemblies (Art 91 of the constitution) so it is an indirect organ of the people's will. Although the delegates of the National Assembly are elected directly by the people and may institute the processes of initiative and referendum with respect to ordinary legislation when half the hsien and municipalities of the whole country are prepared to exercise these two powers (Art 26 and 27 of the constitution), nevertheless, it meets (only) once in 6 years; consequently, in the future, the responsibility for the work of lawmaking will rest most heavily on the Legislative Yuan. When the National Assembly is not in session, the Legislative Yuan is really the nation's highest lawmaking body.

During the period of tutelage, the Legislative Yuan was an organ of the government, that is, an administrative agency. While it passed laws, it was not the highest lawmaking body. That was formerly the Central Political Conference, then the Supreme Defense Council, and now is the State Council. Under the constitution, the Legislative Yuan is an organ of the people's will that is, a political agency, with the highest authority in the making of laws. This is the basic difference between the present i.e., pre-constitution Legislative Yuan and that under the constitution.

#### Relation Between the Legislative and the Executive

The form of government laid down in the new constitution is based on the San Min Chu I. It is the five-power system with an admixture of the British and American systems.

Article 55 of the new constitution provides: "The head of the Executive Yuan is nominated by the President and is appointed on approval of the Legislative Yuan."

Article 57 provides: "The Executive Yuan, according to the following provisions, is responsible to the Legislative Yuan: (1) The Executive Yuan has the duty of proposing administration objectives and reporting on performance. When the Legislative Yuan is in session, its members have the right to interrogate the head of the Executive Yuan and the heads of any of its ministries. (2) When the Legislative Yuan disapproves of important policies of the Executive Yuan, it may request the Executive Yuan to change them. The Executive Yuan, with regard to the Legislative Yuan's resolutions, may, with the President's approval, ask the Legislative Yuan to reconsider; if on reconsideration the original motion is upheld by two-thirds of those attending the Legislative Yuan, the head of the Executive Yuan shall accept such decision or resign. (3) When the Executive Yuan claims that resolutions passed by the Legislative Yuan as to laws, budget, or treaties, are impossible to enforce, it may, with the President's approval, and within 10 days of their reaching the Executive Yuan, request reconsideration by the Legislative Yuan. If on reconsideration the original motion is upheld by two-thirds of the members attending the Legislative Yuan, the head of the Executive Yuan shall accept said decision or resign."

This system of responsibility owed by the Executive Yuan to the Legislative Yuan is really a very important feature of the constitution. When the constitution was being drafted, this feature evoked lively debate. Many delegates claimed that this savored of cabinet rule and ran counter to the spirit of Dr Sun's system of independence of the five powers. But really this scheme in our constitution is a novel plan and not the cabinet system of Britain and

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France; Article 75 provides that members of the Legislative Yuan may not concurrently hold any other office, and furthermore, while members of the Legislative Yuan have the right to interrogate the head of the Executive Yuan and the heads of any of its ministries, they cannot pass a vote of "no confidence" and cause the cabinet to fall. This is quite different from the cabinet system in other countries. And the provisions that resolutions passed after reconsideration by the Legislative Yuan must be accepted by the Executive Yuan is the same as in nations that have the presidential system. Dr Sun advocated the five powers being independent, but he did not advocate their standing isolated. Whether in a three-power or a five-power constitution, the powers will certainly be interrelated.

Under the provisions of the new constitution, the officials appointed by the President must first be approved or appointed by the Examination Yuan and must be subject to supervision and impeachment by the Control Yuan. We cannot say because of this that the Examination and Control Yuns obstruct the President's executive powers.

So the provisions in the new constitution for a central authority do not run counter to the scheme of the independence of the five powers, furthermore it is not a pure cabinet system but adopts alike the merits of the British and French cabinet systems and of the American presidential system; Articles 55 and 57 merely provide that resolutions passed by the Legislative Yuan shall have an added guarantee of performance.

The Legislative Yuan is an organ of the people's will; the Executive Yuan is an agency of the government. The responsibility of the Executive Yuan to the Legislative Yuan is the responsibility of the government to the people. This scheme of responsibility enables our new constitution to manifest the fullest spirit of democracy.

#### Progress of Legislation

Since the membership of the Legislative Yuan is large, and most resolutions will be of a specialized character, in sessions of the Yuan it is often not easy to reach correct conclusions; so, different committees, corresponding to various departments of government have been set up. All bills introduced by various agencies into the Legislative Yuan according to the constitution must first be studied by the committee concerned, and afterwards reported on the floor for discussion (Art 8, organization Plan of the Legislative Yuan). Under the constitution each committee of the Legislative Yuan is really the actual focus of legislation; it may be called a concrete miniature of the Legislative Yuan. Each committee is composed of 39-69 members, no small number. In each committee there is a convening group of three or five persons (Art 5, organization) who can call the committee together and also can act as its core in order to facilitate its work. The committees and conveners are parcelled out among the members of the Legislative Yuan, but to avoid too much scattering of strength, any one member may take part in only three committees, and be the convener of not more than one.

Moreover, it is a general custom among the nations to have specialists responsible for the study and drafting of legislation. In the organization plan of the Legislative Yuan it is provided that one to three specialists be included.

In the revised organization plan of the Legislative Yuan, published in 1936, only five committees are provided for, as against 17 in that of 23 December of the same year. The making of laws will be very complicated. If there are especially important bills, other committees or those of a special

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type may be created, (Art 3, Organization Plan). All bills concerning laws, budget, martial law, amnesty, declaration of war, friendly relations, treaties, and other weighty national matters, must be decided by the Legislative Yuan. Each resolution must have three readings and be approved before it becomes law. A member of the Legislative Yuan may not make a motion opposing a resolution passed while he himself was absent from a Yuan session or committee session, (Art 13, organization plan). This is to guarantee orderly progress of resolutions, and also to guard against schemes of some of the lawmakers to hinder legislation by staying away. The December revision of the organization changed the required number for a quorum from one-third to one-fifth of the total number of Legislative Yuan members. As to Legislative Yuan members not being responsible outside the Yuan for their discussions and votes inside, this is a custom which it is needless to speak about again.

#### Enlargement and Strengthening of the Organization

The present Legislative Yuan consists of 149 persons; under the constitution it will number 773, more than five times as many.

To keep pace with the growth of legislation under the constitution, the internal organization of the Legislative Yuan must be materially enlarged and strengthened. The most important mechanism in the Yuan for helping legislation is the secretariat and the drafting office. The secretariat has seven sections of over 100 employees. The drafting office has five sections and some 40 employees.

Again, a law-making organization must have complete library equipment for research and reference by the legislators. The US Library of Congress, the largest library in the world, is a shining example. In the organization plan of the Legislative Yuan it is provided that in the fifth section of the drafting office a chief may be appointed to be in charge of books and set up a library, showing the importance attached to this matter.

All bills before and after approval, must be printed quickly and well, before they can be pushed. The revised organization plan of the Legislative Yuan provides for printing work under the secretariat, with the possibility of a printing plant in the future. All this is lacking in the present Legislative Yuan.

#### Conclusion

Our new constitution is filled with democratic and progressive qualities. It is a constitution well adapted to our present needs, as is recognized by Chinese and foreigners. The people of the entire nation, working together with one mind, will make this august legal instrument function smoothly and effectively, and bring our nation democracy, riches, and prosperity. Those who delight in rebellion, who seek to tear into shreds the constitution, to obstruct constitutional government, and to plunge the nation into chaos, will be rejected by our people.

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